

Appl. Ser. No. 10/731,406
Amendment dated July 27, 2005
Reply to Office action of April 29, 2005

REMARKS/ARGUMENTS:

Claims 1 – 37 are currently pending in the application, with claims 1, 14, 25, 31 and 35 being independent. Claims 1 and 31 are currently amended, and no new subject matter has been added.

Applicants have carefully considered the contents of the Office Action and respectfully request reconsideration and reexamination of the subject application in view of the explanations noted below.

Rejections under 35 U.S.C. § 112 (second paragraph)

Claims 1 – 13 and 31 – 34 are rejected under 35 U.S.C. § 112 (second paragraph) as being indefinite.

Claims 1 and 31 are currently amended as suggested by the Examiner to clarify that the first and second legs extend in substantially the same direction from the third leg. Thus, the rejection under 35 U.S.C. § 112 (second paragraph) should be withdrawn.

Rejections under 35 U.S.C. § 102(b)

Claims 1 – 4, 6, 8 - 10 and 31 – 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,712,917 to Flora et al. (the Flora '917 patent). Applicants respectfully traverse this rejection, since the Flora '917 patent clearly does not disclose, teach or render obvious the subject matter of independent claims 1 and 31.

Independent claim 1 recites, inter alia, a bracket for securing an electrical box to a support having a cut-out extending from the first leg onto the third leg, and an adjustable member formed by the cut-out to facilitate securing the bracket to the support.

Independent claim 31 recites, inter alia, a bracket for securing an electrical box to a support having a cut-out extending from the first leg onto the third leg, a securing member pivotally coupled to the first leg at a proximal end and having a free distal end, and at least a portion of the securing member being received in the cut-out.

U.S. Patent No. 2,712,917 to Flora et al. discloses a clip for securing a cable, conduit or other rod-like object on a support part. Col. 1, lines 15 – 18. The cut-out area of the Flora

clip 10 is formed entirely on the base 11. The spring arm 15 extends from adjacent the mid-portion 16 of the base 11 to a transverse portion 16 of the base. Col. 2, lines 37 – 42.

The Flora '917 patent does not disclose or suggest a cut-out extending from a first leg onto a third legs that connects the first leg to a second leg, as recited in independent claims 1 and 31. As clearly shown in FIGS. 2 and 4, the cut-out portion of the Flora clip 10 is only formed in the base of the clip. There is no suggestion or motivation to extend the cutout portion from the base onto one of the legs of the Flora clip. The first leg of the Flora clip (21 in FIG. 2 or 43 in FIG. 4) is prohibitively short to extend the cut-out portion onto the first leg without severely compromising the structural integrity of the clip. Furthermore, as shown in FIGS. 1 and 3, the first leg is intended to be relatively short as the first leg hooks a rear surface of a thin support P to which the clip is mounted. Thus, there is no motivation or suggestion to modify the Flora clip such that the cut-out extends from a first leg onto a third leg, as recited in independent claims 1 and 31.

Furthermore, the Flora '917 patent does not disclose or suggest a securing member pivotally coupled to the first leg, as recited in independent claim 31. The Flora spring arm 15 (FIG. 2) or 35 (FIG. 4) clearly is pivotally coupled to the base 11 (FIG. 2) or 31 (FIG. 4). Thus, there is no portion of the Flora spring arm that is pivotally connected to the first leg, as recited in independent claim 31. Furthermore, to pivotally connect the securing member to the first leg would require extending the cut-out portion of the Flora clip onto the first leg, which, as discussed above, is not disclosed or suggested by the Flora '917 patent.

Furthermore, the Flora '917 patent does not disclose or suggest using the clip 10 to secure an electrical box to a support. The clip 10 secures a cable C, or similar rod-like member, to a support P that has at least one opening 3 or 5 for receiving a leg of the clip, as shown in FIGS. 1 and 3. A second leg of the clip 10 is either received in a second opening 6 in the support P (FIG. 3) or wrapped around the edge of the support (FIG. 1). There is no disclosure or suggestion that the article holder of the Flora '917 patent may be used to secure an electrical box to a support, as recited in independent claims 1 and 31. Since all the features of independent claims 1 and 31 are not disclosed or suggested, the Fujimoto '773 patent does not anticipate or render obvious independent claims 1 and 31.

Lacking elements recited in independent claims 1 and 13, the Flora '917 patent does not anticipate claims 1 and 13 since a "claim is anticipated only if each and every element as

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set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegall Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). Therefore, the Flora ‘917 patent does not anticipate or render obvious independent claims 1 and 13.

Claims 2 – 13 and 32 - 34, being dependent upon amended independent claims 1 and 31, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the second leg of the bracket having a plurality of weld projections of claim 5; the second leg of the bracket having a bent distal end of claim 7; the second leg of the bracket having a step of claim 8; the securing member being integral with the first leg of claim 32; the securing member having a longitudinal length extending substantially to an end of the first leg of claim 33; and the first and third legs being substantially perpendicular of claim 34. Therefore, dependent claims 2 – 13 and 32 – 34 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

Rejections under 35 U.S.C. § 103(a)

Claims 7, 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Flora ‘917 patent. Applicants respectfully traverse this rejection, since the Flora ‘917 patent clearly does not disclose, teach or render obvious the subject matter of dependent claims 7, 12 and 13.

Since dependent claims 7, 12 and 13 depend on independent claim 1, which is allowable for the reasons discussed above, claims 7, 12 and 13 are not anticipated or rendered obvious by the Flora ‘917 patent, particularly within the overall claimed combination.

Allowable Subject Matter

Applicants note with appreciation that objected to claims 5 and 11 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

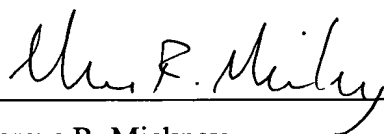
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Applicants also note with appreciation that claims 14 – 30 and 35 – 37 are indicated as being allowable over the cited prior art of record.

* * *

In view of the foregoing amendment and comments, Applicants respectfully submit that claims 1 – 37 are allowable over the cited patents. Prompt and favorable action is solicited.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Mr. R. Mickney", is written over a horizontal line.

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